

# The Daily Gazetteer.

THURSDAY, AUGUST 14. 1735.

No. 40.

tinuation of the Enquiry into the Danger of multiplying Incapacities on the Gentlemen of England to sit in Parliament. Occasioned by the late Bill to limit the Number of Officers in the House of Commons.

B. The three preceding Papers on this Subject were printed on the 17th, 24th, and 31st of July.

HE Mischiefs of those treacherous Projects for the Reformation of Mankind, which had been carried on to the Destruction of Civil Right, had so just an Effect on the succeeding Times, that in all the Struggles and Contentions of Charles the Second's Reign, when the Demands of re-

ching the Prerogative grew most high, and the disputes between the Court and Country were the most notorious, this Proposition for disabling the Members of Parliament to hold Offices of Trust in the Government was not once talked of; nor was it hinted at any Manner, till the House of Commons were blown into a Flame, by the obstinate Refusals of the King to assent the Bill of Exclusion.

It ought however to be observed, that the Sense of the House of Commons, jealous and exasperated as it was, in the greatest Heat of Passion, declared itself in favour of such a Proposition as fit to be incorporated in the Laws; nor did that Parliament direct any such to be prepared, but contented themselves with issuing a Temporary Order, to declare their Resentment of the Indignation against the Power of the Popish Party which then prevailed at Court.

This Resolution appears from the Journals to have been as follows, viz.

Yours 30 Die Decemb. 1680.

RESOLVED, Nemine Contradicente, THAT no Member of this House shall accept of any Office or Place of Profit from the Crown, without the Consent of this House; nor any Promise of any such Office or Place of Profit, during such Time as he shall continue Member of this House.

RESOLVED, THAT all Offenders herein be expelled this House.

THIS is the only Appearance of any Attempt to disable Members of the House of Commons, which is to be met with in any History or Record, from the Year 1645 till after the Year 1688: And this expired, those who made it intended that it should, with the Motion in which it was declared. Our Ancestors knew by Experience the fatal Effects of any such Project as this; and neither the violent Oppositions during Charles the Second's Reign, nor the Revolution which dethroned his unhappy Brother, could give Reputation to a Design which had been so justly abhorred within Memory of those Times.

BUT after the Revolution had established King William on the Throne, the Jacobites, who still retained their Love for an arbitrary Reign, and incessantly sought to change this free Government, were so wise to carry on their Schemes by the Arts of Men whom they had in the utmost Abhorrence, and remembering all the Success of the Oliverian Faction, in changing the Institution by the Means of the Self-denying Ordinance, they took up the same Resolution in their Turn, and hoped that the Old Game which had ruined the Long Parliament, would equally tend to destroy that Parliamentary Power which was the Support of King William's Reign.

BISHOP Burnet, in the Beginning of the Year 1692, in taking of the ill Humours which then broke out in both Houses, especially amongst the Lords, tells us [age 104] " This was chiefly managed by the Marquis of Halifax and the Earl of Mulgrave; and they drew in the Earl of Shrewsbury \*, who was very ill-pleased with the Credit that some had with the King. — These Lords had all the JACOBITES

" ready to assist them in every thing that could embroil " Matters. A great many Whigs who were discontented and jealous of the Ministry, joined with them. — These Lords also set on Foot a Proposition, " that had never been offered, but when the Nation was ready to break out into Civil Wars; and that was, that a Committee of Lords and Commons should be appointed to confer together concerning the State of the Nation. This once begun, would have grown in a very short Time to have been a Council of State; and they would soon have brought all Affairs under their Inspection; but this was so strongly opposed, that it was soon let fall.

WHEN the Party that was set against the Court, saw they could carry nothing in either House of Parliament, then they turned their whole Strength against the present Parliament, to force a Dissolution; and in order to that, they first loaded it with a Name of an ill Sound: And whereas Charles the Second's Long Parliament was called the Penitent Parliament, they called this the Officers Parliament, because many who had Commands in the Army were of it; and the Word that they gave out amongst the People was, that we were to be governed by a Standing Army and a Standing Parliament. They tried to carry a BILL that rendered all Members of the House of Commons incapable of Places of Trust or Profit, so that every Member who accepted a Place should be expelled the House, and be incapable to be chosen again to sit in the current Parliament. The Truth was, it came to be observed, that some got Credit by opposing the Government, and that to silence them, they were preferred; and then they changed their Note, and were as ready to Flatter as to find Fault. This gave a specious Colour to those who charged the Court with Designs of corrupting Members, or at least of stopping their Mouths by Places and Pensions. When this Bill was set on, it went through the House of Commons with little or no Difficulty. Those who were in Places, had not Strength or Credit to make great Opposition to it, they being the Persons concerned, and looked on as Parties: And those who had no Places, had not the Courage to oppose it; for, in them it would have looked like an Art to recommend themselves to one. So the Bill passed in the House of Commons, but it was rejected by the Lords; since it seemed to establish an Opposition between the Crown and the People; as if those who were employed by the one could not be trusted by the other.

THOUGH this Bill was rejected, as the Reverend Prelate relates, yet the Spirit of King William's Enemies was not subdued, nor their Schemes for distressing his Government laid aside. The Misfortunes of his Reign, and these disabling Laws, went on Hand in Hand. Every Necessity to which the King was exposed, gave Birth to some Retrenchment of the Regal Power. As the Exigencies of the War, in which he was involved, required additional Customs, all the Officers of the Customs were disabled to sit in Parliament, or to interfere in the Elections of Members, by an Act 11 W. 3. Cap. 2. Sect. 150. As the Excise was made use of in Aid of the Publick Service, the Officers of the Excise were disabled in his 12th and 13th Years, Cap. 10. Sect. 87. And such Incapacities being tacked to Bills of Supply, neither the King's Friends in the House of Commons had Courage to dispute the Terms of such Bills, nor could the House of Lords reject these Bills, without hazarding the Fate both of King and Kingdom, till at length when such Jobs grew so common as to alarm all Men with the Danger of having the Legislative Power brought entirely into the Hands of the Commons, and the Negative of the House of Peers destroyed, by tacking whatever was difficult of Digestion to Money Bills, wherein the antient Rule of Parliament would allow the Lords to make no Amendment; and the Confederation of Publick Necessity must oblige them to swallow every thing that should be thus sent to them; they set their Hands at last to a solemn Declaration in the Books of their House, that they would never receive a Money Bill with any other tacked to it, and thereby saved the Liberties of this Country, in strenuously adhering to the Liberties of themselves, as an Independent House of Parliament.

THIS most dangerous Practice of Tacking Bills of a different and often contrary Nature, prevailed most

especially in this Affair of disabling Members to hold Employments: A Point which was continually laboured with the Views of the Original Self-denying Ordinance, and constantly resumed, as Enemies of the Government flattered themselves with the Hopes of overthrowing it.

At length seeing that this disabling Bill would never pass into a Law singly by itself; that the several disabling Clauses which they had tacked to particular Money Bills, weaken'd the Crown but in a small Proportion of what they had aimed at, they determined to load the Settlement of the Succession with the full Weight of the Project, and tacked their Self-denying Ordinance to the Law for entailing the Crown in the Protestant Line.

To shew the Intention of this Tack in the clearest Light, it will be requisite to shew the Complexion of that Parliament which had the Honour of passing the Act of Succession, loaded with such Limitations as the Contrivers, with the utmost Refinement of Policy, concluded would defeat the intended Settlement by a double Stroke, either by raising such Debates as must expose it to be lost in the Progress of the Bill; or by clogging it with such Incumbrances as must make the Government impracticable under any Successor.

BISHOP Burnet tells us, that " when this Parliament was opened in the Beginning of 1701, it appeared that the French had a great Party in it. — Great Sums came over this Winter from France: The Packet-boat was seldom without Ten thousand Louis d'Ors; it often brought more. The Nation was filled with them, and in six Months Time a Million of Guineas was coined out of them. — A vast Flood of French Gold was visible amongst us; and upon the French Ambassador's going away, a very sensible Alteration was found in the Bills of Exchange: so it was concluded, that great Remittances were made to him, and that these were distributed amongst those who were resolved to merit a Share in that Wealth which now came over so copiously, beyond the Example of former Times."

As it would be tedious to enumerate the various Extravagancies of the prevailing Faction in this House of Commons, it will be sufficient only to remember the Imprisonment of the Five Kentish Gentlemen for petitioning that House to support the King and the common Cause of Europe. To which we may add the Motion for an Address, that the King would acknowledge the Duke of Anjou King of Spain.

WHILST Things (says Bishop Burnet) were in a Ferment all Europe over, the declaring a Protestant Successor after the Prince of Denmark, and such Issue as she might have, seemed to be forgot by our Parliament, tho' the King had begun his Speech with it. The new Ministers spoke for it with much Zeal, from whence their Friends made Inferences in their Favour, that certainly Men in the Interests of France could not promote a Design so destructive of all they drove at. This was so little of a Piece with the rest of their Conduct, that such as were still jealous of their Sincerity, looked on it as a Blind to cover their ill Designs, and gain them some Credit. The Manner in which this Motion of the Succession was managed, did not carry with it any great Marks of Sincerity. It was often put off from one Day to another, and it often gave Place to the most trifling Matters. At last, when a Day was solemnly set for it, and all People expected that it should pass without any Difficulty, HARLEY moved that some Things previous to that might be considered. He observed, that the Haste which the Nation was in when the present Government was settled, had made us go too fast, and overlook many Securities which might have prevented much Mischievous; and therefore he hoped they would not now fall into the same Error. Nothing pressed them at present, so he moved they would settle some Conditions of Government as Preliminaries, before they should proceed to the Nomination of the Person, that so we might fix every thing which was wanted to make our Security compleat. This was popular, and took with many, and it had so fair an Appearance, that indeed none could oppose it. Some Weeks were spent upon it. Suspicious People thought that this was done on Design to blast the Motion, and to offer such extravagant Limitations as should quite deprive the Form of our Government, and render the Crown

\* This Noble Person was particularly piqued at the being Power of the Lord Somers.

"*law and precarious.* The King was alarmed at it; for almost every Particular that was proposed, implied a Reflection on him and his Administration, chiefly that of not employing Strangers, and not going too often out of the Kingdom. It was proposed that every thing should be done with the Advice of the Privy Council, and every Privy Councillor was to sign his Advice. *All Men who held Places or Pensions, were made incapable of sitting in the House of Commons.* As all this was unacceptable to the King, so many who had an ill Opinion of the Design of those that were now at the Helm, began to conclude, that the Delays were affected, and that these Limitations were designed to raise Disputes between the two Houses, by which the Bill might be lost. When some time had been spent in these Preliminaries, it came to the Nomination of the Person. Sir John Boller, who was then disordered in his Senses, and soon after quite lost them, was set on by the Party, to be the first that should name the *Elegit Dowager of Brunswick*, which seemed done to make it less serious when moved by such a Person. He was, by the Forms of the House, put in the *Chair of the Committee* to whom the Bill was referred. The King was still put off for many Weeks. At every Time that it was called for, the Motion was still entertained with Coldness, which served to heighten the Jealousy. The Committee once or twice sat upon it; but all the Members ran out of the House with so much Indecency, that the Contrivers seemed ashamed of this Management. There were seldom Fifty or Sixty at the Committee, yet in Conclusion it passed, and was sent up to the Lords, where we expected great Opposition would be made to it. Some imagined the Act was only an Artifice designed to gain Credit to those, who, at this Time, were so ill thought of over the Nation, that they wanted some colourable Thing to excuse their other Proceedings. Some little Opposition was made to it by the *Marquis of Normanby* (since *Duke of Buckingham*) and four Lords, protested against it. Those who wished well to the Act, were glad to have it passed any Way, and therefore would not examine the Limitations that were in it. They thought it of great Importance to carry the Act, and that at another Time those Limitations might be better considered; so the Act was passed.

This Management, which the Bishop so justly complains of, is visible on the Journals of both Houses; and all that he hath said on the Subject is most irrefragably proved by the Method of proceeding in that Bill, still to be seen on Record; by which it is manifest, that whilst every Limitation was proposed, which might make the Bill as difficult to pass, as the Succession to take Effect on such Terms, the Conductors of this great Affair contrived every Delay which might throw cold Water upon it (to speak in the *parliamentary* Dialect) and might, by protracting the Time, leave Room for such Accidents to intervene, as might cause it intirely to be laid aside.

THE King's Speech recommending the Care of the Succession, after the *Duke of Gloucester's* Death, was made to both Houses on the 11th Day of February 1700. The Commons, on the 3d of March, agreed to the Resolution to declare the further Limitation and Succession of the Crown. The whole Month following was spent in declaring the Limitations of the Government in *Ten* several Resolutions, which had been already agreed on in a private Cabal, and had no Attendance of Members in the House, either to oppose or debate them. On the 1st Day of April 1701, the Bill was read a first Time. On the 12th of April they went into a Committee of the whole House upon the Bill, and having made some Progress therein, they postponed the Committee *FIVE* several Times, and did not return to it again till the 4th Day of May. They passed the Bill on the 14th; and the Lords returned it to them without Amendment on the 22d of the same Month; so that the *House of Lords* spent but *EIGHT DAYS* in going through all the Forms of Parliament on this Bill, tho' the Preparations for bringing it in by the *House of Commons*, were lengthened out *five Weeks*, and the passing of it full *six Weeks*, in all *ELEVEN WEEKS* spent on this Proceeding there; so different were the Affections of the two Houses.

THIS was the Rise and Progress of the *first Law* which this Kingdom ever knew, extinguishing the Rights of Members of the *House of Commons* to hold Employments under the Crown.

IT was accordingly one Limitation of the Government under the *Protestant Succession* declared in this Bill, "that no Person, who should have any *Office or Place of Profit* under the King, should be capable of being a Member of the *House of Commons*."

If this was a Limitation fit to be introduced in this Kingdom, it was equally just in one Reign as another; and if the Reason of the Law subsisted at any Time, it

must be most powerful under a Government established in Peace, than in the Beginning of a Reign under a disputed Title, whilst the Succession was precarious; because every Kind of Influence must be warrantable, and requisite for the Support of the Crown, when the Constitution is at Stake, and All is in Danger.

But it ought to be observed as a Lesson to all Pos- terity, that the Fathers of these Limitations did not look upon them as Rules necessary to Government, or binding to their own Consciences; and particularly that the *great Man*, who, with so much Subtlety, proposed them in the *House of Commons*, as Provisions for our Security, which would make the Work of our Deliverance [the happy Revolution] compleat. This honourable Person, who had so pathetically complained of the bad Effects which had flowed from giving Employments to Members of the *House of Commons*, and had interposed to prevent that Practice in future Times, by loading the *Succession* with such unheard-of Limitations; he, who had made this memorable Figure in 1701, did himself, within three Years afterwards [in May 1704] not only as a Member of the *House of Commons*, but in the Capacity of *SPEAKER*, accept the Office of *Principal Secretary of State*; and gloried so much in these Acts of Contradiction, that seven Years afterwards, when he was promoted to the Peerage, he caused it to be inscribed to his Praise, in his Patent of Creation, that he had reconciled two such difficult Offices in his own Person, tho' he had loaded the *Act of Succession* with a Clause, that they should never meet again in any other Person. — *Imus & illam Cathedram tenuit, & nabis, eodem tempore, ab Epistolis fuit utriusque haud quaque impar provincia. Officio enim adeo inter se visa diffidere, illi facile erat conciliare, qui Hominum animos temperare atque inflectere, pari Prudentia & Autoritate potuit, qui Populi Jura sic tueri novit, ut nibil interim Majestati Regia decedret, quique penitus intellexit quam pulchre consisteret poffet cum Libertate Imperium.* In English as follows, viz. "At the same time that he held the *Chair*, he was one of our *Principal Secretaries of State*; his Capacity fitting him for the Discharge of those two important Employments, which, tho' they seemed to disagree in themselves, were easily reconciled by one who knew how, with equal Weight and Address, to temper and turn the Minds of Men; so wisely to defend the Rights of the People, without derogating from the Prerogative of the Crown; and who was thoroughly acquainted how well *MONARCHY* could consult with LIBERTY."

HAVING entered thus far into his Conduct, I should be most partial and unjust, if I did not acknowledge what I believe, that this *great Person* was a *Whig* in his Principles; and that his Compliances with the opposite Party, were either for the Advancement of his Popularity whilst he was disgraced, or for the Support of his Power whilst he was in Employments.

But that the *Tories* had this determined View of making these Limitations and *disabling Laws* subservient to the Interests of the *Pretender*, is a notorious Fact, which none of them ever denied, and which *LOCKHART of Carmarthen*, the most active and zealous *Jacobite* in *Scotland*, hath avowed in his *Memoirs* [p. 149.] where giving a Detail of the Measures which were taken to obstruct the Union, and to prevent the *Kingdom of Scotland* from declaring the *Protestant Succession*, he assures us, that "the *Caravillers*, as he calls them, proposed, by proceeding on the Limitations, to obstruct the Succession's being established; for they knew, says he, that the Court would not grant such Limitations the Royal Assent. And next, he adds, they proposed to make the best they could of a bad Bargain, by clogging the March, in case the *House of Hanover* should come to the Crown."

I am, from this perfect Agreement both of *Whigs* and *Jacobites*, in their Accounts of this Matter, sufficiently justified in the Assertion, that such *Incapacities* on Members to hold Employments, had their Rise from *notorious Disaffection* to the Constitution; from a zealous Desire to frustrate the *Protestant Succession*, and an avowed Design to *clog the Successor*, if he could not be set aside, which, the *Tories* conceived, in the Language of *Lockhart*, was making the best of a *BAD BARGAIN*.

FRA. WALSHAM.

#### LO N D O N.

On the 2d Instant the *Lords Justices of Ireland* published a Proclamation for proroguing the Parliament of that Kingdom from the 7th of this Month to the 7th of October next, when they are to sit for the Dispatch of Business.

His Majesty has been pleased to appoint the Hon. Thomas Butler, Esq; Son to the Right Hon. the Lord Viscount Lanesborough, and Member of Parliament for

the Borough of *Belturbet* in the County of *Cavan*, Captain in the Hon. Colonel Ponsonby's Regiment of Foot, in the room of Capt. Murry, who is appointed to be Major in the said Regiment.

The Place of *Verdurer* in the Forest of *Dea* Gloucestershire, being vacant by the Death of Rich. Machen, Esq; Maynard Colchester, Esq; succeeds him.

Next Week her Majesty, and the rest of the Royal Family, will hunt on *Hounslow-heath*.

On Monday last six Horses of an exceeding *pace* were shipped off in the River, for the Use of the *King*.

YORK, Aug. 8. Yesterday towards the Close of Evening, Mr. Shelton, and Mr. James of this City, Company with another Gentleman and Gentlewoman, were met within a Mile of *Shrouston*, on their Way to *Hemsley*, by two Highwaymen, who commanded them to stand; but they having no small Quantity of Gold about them, resolved to defend it, and an Engagement ensued, wherein Mr. Shelton and the Gentlewoman were unhappily shot, the former losing his right Arm, and the latter thro' her Leg, as she was alighting off her Horse; but five or six Gentlemen coming up, who were going to *Hambleton* *Market*, the Highwaymen rode off as fast as they could, being closely pursued, towards *Hemsley*, where they got off, by swimming their Horses over a very deep River.

Yesterday Bank Stock was 140 1-8th. India 1-half to 147. South Sea 81 3-4ths. Old Anne 107 1-4th. New ditto 106. Three per Cent 1-4th. Emperor's Loan 98 1-4th. Royal Assur. 96 1-4th to 1-half. London-Assurance 12 3-4ths. African 15. India Bonds 41. 18s. to 19s. Premium Three per Cent. ditto 21. 14s. Premium. South Bonds 21. 19s. to 31. Premium. Bank Circular 81. 7s. 6d. Prem. Salt Tallies 31. 5s. Premium English Copper 21. 2s. Premium. Welsh Books shut. Three 1-half per Cent. Extra Orders 1. 5s. per Cent. Discount.

Emperor's Loan sells as above, exclusive of the Months Interest due the 10th of July last, which is paying at the Bank.

Admiralty Office, July 18, 1733.

HIS Majest, having been graciously pleased by Warrant under his Royal Sign Manual, dated 10th of June, 1733, to establish certain Rules and Orders for the better Government of the Charity for the Relief of poor Widows of Commission and Warrant Officers of the Royal Navy: These are to give Notice to such Widows as aforesaid, whose Husbands died since the 30th of August, 1732, that Copies of these Rules and Orders are lodged with the Commissioners of his Majesty's Navy at *Chatham*, *Portsmouth*, and *Southampton*, and also with the Clerks of the Chancery at *Deptford* and *Woolwich*, and the Naval Office at *Harwich*, *Deal*, and *Kinsale*; where they may be informed of all Particulars which entitle such Widows to the Benefits of the said Charity, and receive their Certificates for that Purpose: But such Widows, who live at too great a Distance from the Places above mentioned, may apply by Letter to Thomas Corbett, Esq; at the Admiralty Office, who will send them all necessary Information. And the Court of Assistants for Management of the said Charity do hereby give Notice, that they will meet at the Admiralty Office on Tuesday the 9th of September, at Eight of the Clock in the Morning, to receive Claims of such Widows, as shall be qualified according to the said Rules and Orders.

WHEREAS some Evil-minded Persons did on the 1st Day of July last, write and affix, or cause to be written and affixed to the Gate of the Dwelling House of Edward Boughton, at *Cawton* in the County of *Warwick*, Esq; a Paper-writing, threatening the Person and Effects of the said Edward Boughton, and much reflecting on his Character in the Words following, viz.

Esquire, Unless you disencourage that old damn'd Bitch your House-keeper, from *Canting*, *Lying*, *Dissembling*, and making Disturbances in the Neighbourhood, and mind only your own great Person, your House, Out Buildings, Cattle, Cows, and Fish Ponds; and if you do not comply with this our just Request, by God you will repent it.

And whereas the said Edward Boughton apprehends himself to be in Danger of receiving some Mischief in his Person, Out Buildings, Cattle, Cows, or Fish Ponds, from the Persons concerned in writing and publishing the said Paper-writing: He hath thought fit to publish this Advertisement, and hereby promises a Reward of Twenty Guineas to the Person or Persons concerned in writing and publishing the said Paper-writing, to be paid by the said Edward Boughton, within one Month after their Conviction.

EDWARD BOUGHTON.